

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION Nos. 6743 & 6722 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SBB COLLEGE OF PHYSIOTHERAPY SHETH VS GENERAL HOSPITAL AND

Versus

STATE OF GUJARAT

SECRETARY HEALTH AND FAMILY

Appearance:

MR DC DAVE for Petitioner No. 1
MR KAMAL TRIVEDI, Ld. Addl. Advocate General
for Respondent No. 1 (in both the matters)

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 24/06/2004

ORAL JUDGEMENT

Rule. Mr.Trivedi, learned Addl. Advocate General waives service of rule on behalf of the State respondents.

2. In both these petitions, the challenge made by the petitioners is to the legality and validity of the Rule 3.1 of the admission for the academic year of 2004-05.

3. Upon hearing Mr.Dave, learned Counsel for the petitioners and Mr.Trivedi, learned Addl. Advocate General appearing for the State, it appears that the questions raised in these petitions are concluded by the decision of this Court delivered today in SCA No.6307 of 2004 and allied matter and for the reasons recorded in the said decision, even for government quota the Colleges concerned, whose fee structure is duly approved/fixed by the Fees Committee would be entitled to charge the fees accordingly. The same direction as given by this Court in respect to Rule 3.1 is required to be issued and, therefore, accordingly the rights of the parties shall stand governed accordingly as per the view expressed by this Court qua Rule 3.1 in SCA No.6307/2004 and allied matter.

4. Mr.Dave, learned Counsel for the petitioners submitted that the petitioners have challenged the decision of the Fee Committee for approval of the fee structure by separate petition and, therefore, the permission of collecting fee or entitlement of collecting fee of government quota may be made subject to the outcome of the said petition. If any order otherwise is passed by the competent forum, the matter may stand differently and until such orders are passed, the fee structure as approved/fixed by the Committee shall continue to operate.

5. Both these petitions shall stand allowed to the aforesaid extent. Rule made absolute accordingly.

24-6-2004 (Jayant Patel, J.)

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